

REMARKS

Claims 1-14, 16-30, 32-45, and 47-60 have been rejected under 35 U.S.C. 103(a) as being unpatentable over CA 2,278,399 ("CA '399") in view of WAN or PARKER ET AL.

The independent claims have been amended to more clearly reflect the fact that they are not in Markush form. The components of the bleaching mixture are defined by transitional phrase "consisting essentially of" not the transitional phrase "consisting of". The meaning of the transitional phrase "consisting essentially of" is defined in MPEP 2111.03.

The Examiner has cited CA '399 in his rejection as provided above. Applicants removed CA '399 as a reference based on papers filed in their response to the Office Action dated June 14, 2001. CA '399 has a Critical Date of January 21, 2000. The above-captioned patent application has an effective date of invention prior to the Critical Date. This was supported by the Declaration of Dr. Joseph M. Genco, as well as the Declaration of Mark Wajer and Aileen Gibson. CA '399 is not a prior art reference applicable to the pending claims of the subject patent application.

WAN relates to a peroxide and MgCO_3 bleaching system "without added alkali for activation" (col 3, line 31). The claimed bleaching mixture consists essentially of hydrogen peroxide and added alkali, namely, magnesium hydroxide, for peroxide activation. WAN teaches away from the use of alkali in general, and the use of magnesium hydroxide in particular. Therefore, WAN does not teach or suggest the claimed invention.

PARKER ET AL teaches initially bleaching with caustic soda and peroxide reaction, and then adding an anhydride to complete the reaction. Applicants claim a bleaching system which consists essentially of hydrogen peroxide and magnesium hydroxide. As stated in column 3, line

50, bleaching is carried out under alkaline conditions prior to the addition of the anhydride. In an aqueous solution, the anhydride is converted back to carboxylic acid which lowers the pH. The anhydride then acidifies the bleaching solution to a lower pH. As claimed by Applicants, the initial and final pH are substantially similar. PARKER ET AL also mentions that silicate and magnesium sulfate can be added as stabilizers. The subject claims do not include the use of either silicate or magnesium sulfate. These compounds are specifically avoided in Applicants' bleaching process. The pH range of PARKER ET AL has been set so that acetic anhydride will decompose into acetic acid in water and react with NaOH to form acetic acid and sodium acetate. The presence of an anhydride will chemically lower the pH. The 6.5 to 9 pH preferred range of PARKER ET AL has been established to function only in combination with a bleaching agent comprising both a peroxide and an anhydride additive bleaching agent. Therefore, PARKER ET AL does not teach or suggest the claimed invention.

Applicants traverse the above rejection based on the above-cited references both individually and in combination for the reasons set forth above. Furthermore, absent some motivation, incentive, or suggestion in the prior art supporting the modification of a reference, obviousness cannot be established by modifying the reference for purposes of producing the claimed invention. To make an obviousness rejection, the Examiner must be able to point to a teaching in the reference that suggests the modification asserted by the Examiner. Absent such a suggestion, the Examiner has impermissibly used applicant's teachings to examine the prior art for the claimed elements.

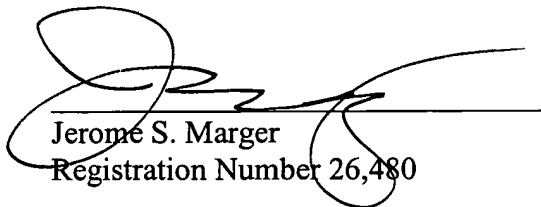
In summary, for the reasons set forth above, the applicable cited references, individually or in combination, do not teach or suggest the process set forth in pending claims 1-14, 16-30, 32-45, 47-60 of the above-captioned invention.

Accordingly, this application is now in condition for allowance, and the Examiner is requested to pass this application to issue forthwith. If any matters are later deemed unresolved by the Examiner, he is encouraged to call the Attorney for Applicants to discuss same.

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Respectfully submitted,

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